

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Tr.P(C).No. 93 of 2007()

OP.286/2007 of FAMILY COURT,ERNAKULAM

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PETITIONER

**YAMUNA A.K., D/O.KUNJACHAN,
AGED 30 YEARS, SREENILAYAM, CHANNANICKADU P.O.,
PANACHIKADU VILLAGE, KOTTAYAM DISTRICT.**

**BY ADV. SMT.S.K.DEVI
SRI.DELEEP RAJ**

RESPONDENT:

**T.V. SURESH, S/O. T.N.VASU,
AGED 38 YEARS, PUTHIYAPARAMBIL HOUSE,
THEKKUMBHAGOM, MEKKARA P.O., THRIPIUNITHURA,
ERNAKULAM DISTRICT.**

**BY ADV. SRI.P.A.MARTIN ROY
SRI.SOORAJ T.ELENJICKAL**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

**ORDER ON I.A. 1093 OF 2007
IN
TR.P.C. NO.93 OF 2007**

DISMISSED

26/7/07

SD/- M.N. KRISHNAN, JUDGE.

[True Copy]

P.A. TO JUDGE.

M.N.KRISHNAN, J

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Tr.P.(C) No.93 OF 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This transfer petition is filed by the wife against the husband to transfer the divorce case O.P.No.286/2007 filed by the husband from the Family Court, Ernakulam to the Family Court, Kottayam at Ettukmanoor. According to the petitioner, she has filed a maintenance case M.C.No.159 of 2005 and another case O.P.No.316 of 2007 before the Family Court at Ettumanoor for recovery of money, gold ornaments and household items and in spite of the order in the maintenance case , the wife is forced to file an execution petition. It is contended by her that she is a poor lady, who has not even seen the Ernakulam city and she is having absolute financial constraints and stringency to conduct the case at Ernakulam and if the case is tried at the Family Court, Kottayam, it is more convenient for her to attend the trial at Ettumanoor which is only 22 Kms. away from her house.

2. Learned counsel representing the counsel for the respondent strongly objected to the transfer on the ground that the grounds urged are

not genuine for a transfer. But considering the factum that a lady from an interior place has to travel all the way to Ernakulam, that too, with financial constraints, certainly it will cause embarrassment to her and in the interest of justice and being a comparative hardship, I hold that the wife is entitled to the benefit of getting a transfer in this case. Therefore O.P.No.286/2007 pending before the Family Court, Ernakulam is transferred to the Family Court, Kottayam at Ettumanoor for trial and disposal along with other connected cases. The Family Court, Ernakulam shall give notice to the petitioner in O.P.No.286/2007 before actually effecting the transfer.

Tr.P.C. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-